

House Bill 464 (AS PASSED HOUSE AND SENATE)

By: Representatives Reece of the 11th, Hill of the 21st, Jerguson of the 22nd, Greene of the 149th, Stephens of the 164th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated,
2 relating to conditions of detention generally, so as to modify provisions relating to deductions
3 from an inmate account to provide for the payment of certain medication costs; to provide
4 for definitions; to provide for exceptions for payment of medication costs; to provide for
5 related matters; to amend Code Section 42-5-2 of the Official Code of Georgia Annotated,
6 relating to responsibilities of a governmental unit with custody of an inmate generally, costs
7 of emergency and follow-up care, and access to medical services or hospital care for inmates,
8 so as to provide for requirements for hospitals that provide emergency health care services
9 to state inmates; to provide an effective date; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to
14 conditions of detention generally, is amended by revising Code Section 42-5-55, relating to
15 deductions from an inmate account for the payment of certain damages and medical costs,
16 limits on deductions, and fee for managing inmate accounts, as follows:

17 "42-5-55.

18 (a) As used in this Code section, the term:

19 (1) 'Chronic illness' means an illness requiring care and treatment over an extended
20 period of time. Chronic illness includes, but is not limited to, hypertension, diabetes,
21 pulmonary illness, a seizure disorder, acquired immune deficiency syndrome, cancer,
22 tuberculosis B, hepatitis C, rheumatoid arthritis, an autoimmune disorder, and renal
23 disease.

24 (2) 'Detention facility' means a state, county, or private correctional institution,
25 workcamp, or other state or county detention facility used for the detention of persons
26 convicted of a felony or a misdemeanor.

(2)(3) 'Inmate' means a person who is detained in a detention facility by reason of being convicted of a felony or a misdemeanor.

(3)(4) 'Medical treatment' means each visit initiated by the inmate to an institutional physician; physician's extender, including a physician's assistant or a nurse practitioner; registered nurse; licensed practical nurse; medical assistant; dentist; dental hygienist; optometrist; or psychiatrist for examination or treatment.

(4)(5) 'Officer in charge' means the warden, captain, or superintendent having the supervision of any detention facility.

(b) The commissioner or, in the case of a county or private facility, the officer in charge may establish by rules or regulations criteria for a reasonable deduction from money credited to the account of an inmate to:

(1) Repay the costs of:

(A) Public property or private property in the case of an inmate housed in a private correctional facility willfully damaged or destroyed by the inmate during his or her incarceration;

(B) Medical treatment and prescription medication for injuries inflicted by the inmate upon himself or herself or others unless the inmate has a severe mental health designation as determined by the department;

(C) Searching for and apprehending the inmate when he or she escapes or attempts to escape; such costs to be limited to those extraordinary costs incurred as a consequence of the escape; or

(D) Quelling any riot or other disturbance in which the inmate is unlawfully involved; or

(2) Defray the costs paid by the state or county for:

(A) Medical ~~medical~~ treatment for an inmate when the request for medical treatment has been initiated by the inmate; and

(B) Medication prescribed for the treatment of a medical condition unrelated to pregnancy or a chronic illness.

(c) The provisions of paragraph (2) of subsection (b) of this Code section shall in no way relieve the governmental unit, agency, or subdivision having physical custody of an inmate from furnishing him or her with needed medical treatment.

(d) Notwithstanding any other provisions of this Code section, the deductions from money credited to the account of an inmate as authorized under subsection (b) of this Code section shall not be made whenever the balance in the inmate's account is \$10.00 or less.

(e) The officer in charge of any detention facility is authorized to charge a fee for establishing and managing inmate money accounts. Such fee shall not exceed \$1.00 per month."

SECTION 1A.

Code Section 42-5-2 of the Official Code of Georgia Annotated, relating to responsibilities of a governmental unit with custody of an inmate generally, costs of emergency and follow-up care, and access to medical services or hospital care for inmates, is amended by adding a new subsection to read as follows:

"(c) A hospital authority or hospital which is not a party to a contract with the Georgia Department of Corrections or its agents on July 1, 2009, shall be reimbursed no more than the applicable Georgia Medicaid rate for emergency services provided to such state inmate. For purposes of this subsection, the term 'state inmate' means any inmate for whom the Georgia Department of Corrections shall be responsible for the payment of medical care thereof. Nothing in this Code section shall prohibit the Georgia Department of Corrections from negotiating higher fees or rates with health care providers. It is the intent of the General Assembly that the Georgia Department of Corrections or its agents enter into negotiations with health care providers to contract for the provision of services as provided in this Code section."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.